

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON DC 20268-0001

Postal Rate Commission
Submitted 8/4/2006 8:32 am
Filing ID: 51887
Accepted 8/4/2006

Postal Rate and Fee Changes, 2006]

DOCKET NO. R2006-1

DAVID B. POPKIN MOTION TO COMPEL RESPONSE TO INTERROGATORIES DBP/USPS-
257, 258, 260, 263, and 265.

I move to compel responses to the interrogatories submitted to the United States Postal Service that have been objected to by them.

August 4, 2006

Respectfully submitted,

R20061MTC13A257265

DAVID B. POPKIN, POST OFFICE BOX 528, ENGLEWOOD, NJ 07631-0528

On July 11, 2006¹, I submitted Interrogatories DBP/USPS-257, 258, 260, 263, and 265.. On July 21, 2006, the Postal Service filed an objection to these interrogatories.

The interrogatories read as follows:

DBP/USPS-257 Please reconcile the apparent difference between the response to Interrogatory GCA/USPS-T42-6 which states that the new postmark includes the "Time in hours, minutes (HH:MM) using military time or PM designation" and the response to Interrogatory DBP/USPS-106 subpart a which states that "The time is shown as AM or PM" and subpart b which states, in effect, that specific numerical times are not shown.

DBP/USPS-258 Please refer to the response to Interrogatory DBP/USPS-106 subparts c and d.

[a] Is the clock normally programmed to show JUL 11 2006 AM from 12:01 AM local time on July 11, 2006 to 12 Noon on July 11, 2006 and JUL 11 2006 PM from 12 Noon on July 11, 2006 to 12 Midnight on July 11, 2006.

[b] If not, please explain and discuss.

[c] Specifically, is the cutover from July 11, 2006 to July 12, 2006 designed to take place at Midnight local time or is it designed to take place after all of the July 11th mail has been processed?

¹ The Objection stated that these Interrogatories were filed on July 21, 2006.

[d] What arrangements are made to ensure that all mail that is accepted at the various postal facilities that are open late on Income Tax Night and accepting mail up until Midnight will have all of that mail postmarked with the proper date, normally April 15th.

[e] Are there any particular times that the maintenance personnel will override the correct date and time or is their function limited to resetting the time to the correct local time after a "problem" occurs?

DBP/USPS-260 Please refer to the response to Interrogatory DBP/USPS-109. Please discuss and provide a comparison between the legibility and readability of the inkjet cancellation vs. the old style circular cancellation.

DBP/USPS-263 Please discuss the effectiveness of the Change of Address program when the Postal Service is faced with major requirements for forwarding mail as was caused by Hurricanes Katrina and Rita. Please discuss the efforts that were made to return to normal postal operation and an estimation of when that will be achieved.

DBP/USPS-265 The following interrogatory is designed to evaluate the likelihood or potential that a customer who is utilizing an Automated Postal Center [APC] will leave the APC during a transaction while their credit or debit card is still activated and thereby allow a second customer to pick up the activity and obtain value from the APC which will be charged to the first customer.

[a] Please provide a copy of the screens that will appear after a customer has completed an APC transaction and until the APC will show the standard welcoming screen. Completed an APC transaction is defined as receiving the stamp either purchased as a separate stamp or as the stamp to affix to a mailpiece. If necessary, please provide separate screens for different types of transactions and/or for a credit card vs. a debit card.

[b] In these screens, please identify the point at which the credit/debit card data is no longer active and the first customer would have to re-enter the card to make an additional purchase or a second customer could obtain value under the first customer's card. If necessary, please provide separate data for a credit card vs. a debit card.

The Postal Service objected on the grounds of relevance.

DBP/USPS-257

This Interrogatory is attempting to resolve the conflicting responses to two separate Interrogatories. The evidence before the Commission should not have known conflicts in Interrogatory responses.

DBP/USPS-258

DBP/USPS-260

The Postal Service believes that all Interrogatories must focus on the rates proposed for any particular class or service. They also can relate to the value of service that is received by the users of the mail system.

An accurate and legible postmark is of value to many mailers, primarily on First-Class Mail. Witness the long lines of mailers that are attempting to obtain their April 15th postmark on tax night.

DBP/USPS-263

My main motivation in submitting this Interrogatory stems from footnote 72 in the Opinion and Recommended Decision in Rocket R2005-1.

That footnote states as follows:

72

One of the methods that the Postal Service determines correct changes in addresses or forwarding addresses is by having customers fill out a change-of-address order to receive temporary or permanent forwarding of their mail. David B. Popkin takes issue with the Postal Service's handling of change-of-address orders. Currently, the Postal Service charges \$1 on a major credit card to process a change-of-address order by internet or phone, but does not charge any fees for filling out a PS Form 3575 and sending that form back to the post office. Mr. Popkin argues that because the \$1 fee does not appear in the DMCS, it is illegal and should be suspended since it has not yet been presented to the Commission for a recommended decision. Popkin Brief at 1-2.

The Postal Service argues that the credit card companies do not verify identities for enhanced security and fraud prevention on changes of addresses for free; they require a minimum charge. Thus, because the charge is a result of a third-party requirement, it argues that the \$1 charge is not for a postal service within the meaning of Chapter 36 of the Act and is outside the scope of this proceeding. It notes that if customers wish to avoid this charge, they may mail the change-of-address order form to the Postal Service or complete the form at a retail outlet. Postal Service Reply Brief at 74-75.

Mr. Popkin raises valid concerns about the change-of-address order service that could result in a Commission recommendation for a classification change. However, given the unique circumstances of the settlement and the Postal Service's prediction of another omnibus rate case in the near future, the Commission does not believe that it is an appropriate time to recommend classification changes based upon Mr. Popkin's request. The Commission expects this issue to be raised again in the next omnibus rate case. In that next rate case, a more thorough discussion of the issues surrounding the change-of-address order fee will allow the Commission to consider the request and its implications before deciding whether to recommend changes to the DMCS based upon any change-of-address order fee.

Based on the Commission's statement in the last two sentences of the footnote, "The Commission expects this issue to be raised again in the next omnibus rate case. In that next rate case, a more thorough discussion of the issues surrounding the change-of-address order fee will allow the Commission to consider the request and its implications before deciding whether to recommend changes to the DMCS based upon any change-of-address order fee.", it would appear that since the current Docket R2006-1 is the next omnibus rate case that this is the time to conduct discovery on the propriety of the \$1 charge and the various criteria that are related to the change of address program.

The Postal Service claims that these Interrogatories bear no relevance to the pending classification, rate, and fee proposals in this docket. The problem is, that based on footnote 72, they should have relevance to this docket. In any case they do have relevance to the value of service of all of the classes of mail that utilize the change of address program. For example, the costs of First-Class Mail have the costs of the change of address program built into them. The conditions under which the change of address program operates will affect the costs and therefore the costs of the underlying service.

DBP/USPS-265

This Interrogatory relates to the value of service that a customer utilizing the Automated Postal Center [APC] for the various classes of mail that may be mailed at an APC. Furthermore, if this potential for fraud does exist at an APC, it should be investigated and corrected by the Postal Service.

For the reasons stated, I move to compel response to the referenced interrogatory since it is reasonably calculated to lead to the discovery of admissible evidence.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

David B. Popkin August 4, 2006
